

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SANTOS RAMOS RODRIGUEZ,)	
Petitioner,)	Civil Action No. 13-11 Erie
)	
v.)	
)	Magistrate Judge Susan Paradise Baxter
MICHAEL HARLOW, <u>et al.</u>,)	
Respondents.)	

OPINION AND ORDER

Petitioner, Santos Ramos Rodriguez, is currently incarcerated in the State Correctional Institution located in Albion, Pennsylvania ("SCI Albion"). He has submitted for filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and an accompanying motion for leave to proceed *in forma pauperis*. [ECF No. 1]. In his petition, he is challenging a judgment of sentence imposed upon him by the Court of Common Pleas of York County. SCI Albion is located within the territorial boundaries of this District. York County is located within the territory of the United States District Court for the Middle District of Pennsylvania. 28 U.S.C. § 118.

The power of this Court to grant the writ is founded upon 28 U.S.C. § 2241(a), which provides that the "[w]rits of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions." In a state such as Pennsylvania, that contains two or more Federal judicial districts,

the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

28 U.S.C. § 2241(d).

Petitioner was tried, convicted, and sentenced in the Court of Common Pleas of York County and therefore most, if not all, of the relevant activity occurred within the Middle District of Pennsylvania. This Court finds that the interest of justice would be better served by transferring this case to the Middle District of Pennsylvania.

An appropriate Order follows.

Dated: January 14, 2013

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge

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Civil Action No. 13-11 Erie

Magistrate Judge Susan Paradise Baxter

ORDER

AND NOW, this 14th day of January, 2013;

IT IS HEREBY ORDERED that this case be transferred to the United States District Court for the Middle District of Pennsylvania FORTHWITH.

/s/ Susan Paradise Baxter

SUSAN PARADISE BAXTER

United States Magistrate Judge